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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CAROL KIRBY,

Defendant.

No. 2:23-cr-00191-APG-NJK

**Petition for Writ of Habeas Corpus
Ad Prosequendum for
Carol Kirby (ID # G066369)**

The United States of America respectfully requests that the Court issue a Writ of Habeas Corpus Ad Prosequendum directing the Captain, Estrella Jail, Phoenix, Arizona, and the United States Marshal for the District of Nevada to produce CAROL KIRBY before the United States District Court on or about March 19, 2024, at the hour of 1:30 p.m., in Courtroom 6C, for a Hearing for Waiver of Indictment, Filing of Information, Initial Appearance and Arraignment and Plea.

CAROL KIRBY is currently in the custody of the Captain, Estrella Jail, Phoenix Arizona.

1 On October 5, 2023, a Court in this District, having received a Criminal Information
2 and Plea Agreement in the above-captioned matter charging CAROL KIRBY with
3 Conspiracy to Commit an Offense Against the United States in violation of 18 U.S.C. § 371,
4 specifically Health Care Fraud, in violation of 18 U.S.C. § 1347, set a Hearing for Waiver of
5 Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea for
6 November 1, 2023. ECF No. 1. At the request of counsel, the Court continued this hearing
7 to December 21, 2023. ECF No. 3. The Court continued this hearing to January 24, 2024,
8 based on a stipulation by the parties informing the Court that defendant KIRBY had
9 surrendered and was taken into custody in Arizona on an unrelated matter on December 19,
10 2023. ECF No. 5.

11 On January 2, 2024, the Government requested a Writ of Habeas Corpus Ad
12 Prosequendum so that the United States Marshals Service (USMS) could produce CAROL
13 KIRBY before this Court for the purpose of the January 24, 2024 Hearing for Waiver of
14 Indictment, Filing of Information, Initial Appearance and Arraignment and Plea, and from
15 time to time and day to day thereafter, at such times and places as may be ordered and
16 directed by this Court, to appear before this Court, and when excused by this Court, to be
17 returned to the custody of the Captain, Estrella Jail, Phoenix, Arizona. ECF No. 6. The
18 Court granted this petition and issued the requested writ on January 3 and 5, 2024,
19 respectively. ECF Nos. 7 and 8.

20 On January 19, 2024, the undersigned attorney for the government received a call
21 from a representative of the USMS explaining that the Estrella Jail in Phoenix was refusing
22 to honor the Writ of Habeas Corpus Prosequendum issued at ECF No. 8 because KIRBY
23 had hearings in Phoenix set for January 30 and February 22. The USMS recommended the
24 USAO seek to continue KIRBY's Las Vegas hearing until after these dates and obtain a new

1 writ with the new hearing date. The undersigned consulted with defense counsel, and the
2 Court reset the January 24, 2024 hearing to March 19, 2024 at 1:30 pm in Courtroom 6C.

3 Accordingly, the Government requests a Writ of Habeas Corpus Ad Prosequendum
4 so that the United States Marshals Service can produce CAROL KIRBY before this Court
5 for the purpose of the March 19, 2024 Hearing for Waiver of Indictment, Filing of
6 Information, Initial Appearance and Arraignment and Plea, and from time to time and day
7 to day thereafter, at such times and places as may be ordered and directed by this Court, to
8 appear before this Court, and when excused by this Court, to be returned to the custody of
9 the Captain, Estrella Jail, Phoenix, Arizona.

10 Respectfully submitted this 26th day of January, 2024.

11 JASON M. FRIERSON
12 United States Attorney

13 s/ Jessica Oliva
14 JESSICA OLIVA
15 Assistant United States Attorney
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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 CAROL KIRBY,

11 Defendant.

No. 2:23-cr-00191-APG-NJK

**Order for Issuance of Writ of
Habeas Corpus Ad Prosequendum for
Carol Kirby (ID # G066369)**

12
13 Upon reading the petition of the United States Attorney for the District of Nevada,
14 and good cause appearing therefore,

15 IT IS HEREBY ORDERED that a Writ of Habeas Corpus Ad Prosequendum issue
16 out of this Court, directing the production of the body of CAROL KIRBY before the United
17 States District Court at Las Vegas, Nevada, on or about March 19, 2024, at the hour of 1:30
18 pm, in Courtroom 6C, for Hearing for Waiver of Indictment, Filing of Information, Initial
19 Appearance and Arraignment and Plea and any further proceedings and from time to time
20 and day to day thereafter until excused by the said Court.

21 DATED: January 29, 2024

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23 
24 HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE